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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,380	10/25/1999	WILLIAM S GATLEY	FA\$V-131-C1	1812

7590

09/26/2002

TERRENCE (TERY ) MARTIN  
INVENSYS- INTELLECTUAL PROPERTY DEPARTMENT  
33 COMMERCIAL STREET  
B52-1J  
FOXBORO, MA 02035

EXAMINER

PEREZ, GUILLERMO

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/426,380

Applicant(s)

GATLEY ET AL.

Examiner

Guillermo Perez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 21, 2002 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 26-32, 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eheim (U. S. Pat. 3,635,594) in view of Minton (U. S. Pat. 4,482,832) and further in view of F. N. Zimmermann et al. (U. S. Pat. 2,981,196).

Eheim substantially teaches the claimed invention except that it does not show that the mounting bracket have a sleeve housing for receiving a bearing assembly mounted to the rotor. Eheim does not disclose that the end cap is attachable to the main housing to encompass the impeller. Eheim does not disclose that the rotor have a plurality of laminations. Eheim does not disclose a radially extended portion on the main

housing to enclose at least the bobbin. Eheim does not disclose that the radially extended portion includes vent slots such that rotation of the impeller circulates air through the vent slots in the radially extended portion to cool the motor assembly. Eheim does not disclose a radially extended portion on the end cap such that when the end cap is attached to the main housing, the radially extended portion encloses at least the bobbin. Eheim does not disclose vent slots in the radially extended portion such that rotation of the impeller circulates air through the vent slots formed in the radially extended portion to cool the motor assembly.

Minton discloses that the mounting bracket (64) have a sleeve housing for receiving a bearing assembly mounted to the rotor (68). Minton discloses that the rotor (68) have a plurality of laminations. Minton's invention has the purpose of securing the rotor assembly into position relative to the stator assembly.

F. N. Zimmermann et al. disclose that the end cap (60) is attachable to the main housing (20) to encompass the impeller (78). F. N. Zimmermann et al. disclose a radially extended portion on the main housing (20) to enclose at least the bobbin (figure 4). F. N. Zimmermann et al. disclose that the radially extended portion includes vent slots (62) such that rotation of the impeller (78) circulates air through the vent slots (62) in the radially extended portion to cool the motor assembly. F. N. Zimmermann et al. disclose a radially extended portion (61) on the end cap (60) such that when the end cap (60) is attached to the main housing (20), the radially extended portion (61) encloses at least the bobbin. F. N. Zimmermann et al. disclose vent slots (62) in the radially extended portion (61) such that rotation of the impeller (78) circulates air

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through the vent slots (62) formed in the radially extended portion (61) to cool the motor assembly. The invention of F. N. Zimmermann et al. has the purpose of cooling the motor assembly.

It would have been obvious at the time the invention was made to modify the invention of Eheim and provide it with the bracket, housing, end cap, and slots configuration disclosed by Minton and F. N. Zimmermann et al. for the purpose of securing the rotor assembly into position relative to the stator assembly and cooling the motor assembly.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 26-32, 34-39 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez  
September 24, 2002

  
NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800